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18
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

19
 20 IN RE: UBER TECHNOLOGIES, INC.,
 21 PASSENGER SEXUAL ASSAULT
 22 LITIGATION

23 MDL No. 3084 CRB

24
RESPONSE TO ORDER
REGARDING MOTION TO DISMISS
DUPLICATIVE CASES

25
 26 This Document Relates to:

27 Honorable Charles R. Breyer

28 *K.L. v. Uber Technologies, Inc., et al;*
3:25-cv-06178-CRB

29
INTRODUCTION

30 On December 2, 2025, this Court issued an order to show cause as to why Plaintiff K.L.
 31 (“Plaintiff”) should not be required to pay Defendants’ attorneys’ fees and costs incurred to file
 32 their Motion to Dismiss Duplicative cases. *See Docket No. 4051.* Plaintiff respectfully submits
 33 this response and the accompanying Declaration of Rachel B. Abrams (“Decl.”).

34
STATEMENT OF FACTS

35 On July 22, 2025, Plaintiff Jane Doe LS 618, through counsel at Levin Simes, LLP
 36 (“Levin Simes”) filed a complaint alleging that a driver on the Uber platform sexually assaulted
 37

1 or harassed her in Dallas, Texas, on July 29, 2023. Complaint, *Jane Doe L.S. 618 v. Uber*
 2 *Technologies, Inc. et al., No. 3:25-cv-06160-CRB, ECF No. 1* (N.D. Cal. July 22, 2025). Decl. ¶
 3 2. One day later, on July 23, 2025, Plaintiff filed a second complaint relating to the same incident
 4 through counsel at Peiffer Wolf Carr Kane Conway & Wise, LLP (“Peiffer Wolf”). Complaint,
 5 *K.L. v. Uber Technologies, Inc. et al., No. 3:25-cv-06178-CRB, ECF No. 1* (N.D. Cal. July 23,
 6 2025). Peiffer Wolf submitted the Plaintiff Fact Sheet on August 21, 2025. Decl. ¶ 3.

7 On August 21, 2025, Uber notified Peiffer Wolf and Levin Simes that both firms filed
 8 claims on behalf of Plaintiff. Decl. ¶ 4. Peiffer Wolf reached out to Levin Simes multiple times
 9 to resolve this dual representation issue but were unable to get a response until after Defendants
 10 filed their motion to dismiss. Decl. ¶ 5. Defendants filed their Motion to Dismiss Duplicative
 11 Cases on October 14, 2025. Decl. ¶ 6. Plaintiff filed a response to that motion on October 28,
 12 2025. Decl. ¶ 7. Defendants did not send any additional communications about this dual
 13 representation between August 21, 2025, and when they filed their motion on October 14, 2025;
 14 nor did Defendants ever indicate to Plaintiff’s counsel their intent to seek attorneys’ fees or
 15 sanctions.

16 On October 28, 2025, Plaintiff’s counsel resolved the dual representation issue, agreeing
 17 that Levin Simes would continue with the case it filed, and Peiffer Wolf would dismiss the case
 18 that it filed. Decl. ¶ 8. On November 5, 2025, Peiffer Wolf filed a notice of voluntary dismissal.
 19 Decl. ¶ 9.

20 ARGUMENT

21 Defendants’ request for sanctions related to their Motion to Dismiss is unwarranted and
 22 should be denied. As the above timeline makes clear, court intervention was unnecessary to
 23 resolve this dual representation. Defendants may have been frustrated that Plaintiff’s counsel did
 24 not resolve the dual representation issue immediately after the first (and only) notice of that issue,
 25 but Defendants’ decision to seek court intervention and incur the fees it now seeks as sanctions
 26 was not compelled by any pressing exigency or bad-faith conduct by Plaintiff or her counsel.
 27 Undersigned counsel acknowledges that the dual representation issue was not resolved before
 28 Defendants filed their Motion and could have been addressed more expeditiously. That delay does

1 not warrant sanctions, however, as it did not result from bad-faith or vexatious conduct. Levin
2 Simes and Peiffer Wolf understood their obligations to address the issue and were attempting to
3 do so, as they have worked together throughout this litigation to resolve similar issues. That
4 resolution simply did not happen in the timeframe Defendants would have liked, and they
5 unilaterally decided to file a Motion to Dismiss and seek sanctions, without any further attempt
6 to resolve the issue without judicial intervention.

7 This is relevant for two reasons. First, Defendants' Motion needlessly wasted judicial and
8 party resources with wholly avoidable motion practice over a routine housekeeping issue. Next,
9 and more importantly, Defendants' decision to seek sanctions without any further communication
10 with Plaintiff's counsel renders that request procedurally improper. A motion for sanctions may
11 be brought only after notice to the opposing party. Fed. R. Civ. P. 37; N.D. Cal. Civ. L.R. 7-2, 7-
12 8. As noted above, Defendants filed their Motion to Dismiss requesting sanctions without first
13 communicating to Plaintiff that they would seek such a penalty if certain conditions were not met.
14 Because Defendants failed to satisfy this threshold procedural requirement, its request for
15 sanctions is improper and should be denied.

16 Additionally, Defendants' request for sanctions is meritless. They cite to cases where
17 sanctions were awarded for clear litigation abuses or bad faith conduct. *See Evon v. Law Offices*
18 *of Sidney Mickell*, 688 F.3d 1015, 1035 (9th Cir. 2012) (sanctioning attorney for violating his own
19 protective order and failing to seal and redact his client's confidential documents); *Burris v.*
20 *JPMorgan Chase & Co.*, No. 21-16852, 2024 WL 1672263, at *3 (9th Cir. 2024) (dismissing
21 case and sanctioning attorney for intentional spoliation of evidence after finding that attorney
22 intentionally acted to destroy ESI considered to be "irretrievably lost"). Thus even the cases
23 Defendants cite in support of sanctions reveal that request to be wholly unwarranted. No action
24 or omission by Plaintiff or her counsel even approaches the kind of litigation abuse or bad faith
25 conduct that would warrant sanction. Defendants' request for sanctions should be denied.

26 **CONCLUSION**

27 Counsel respectfully requests the Court deny Defendants' request that Plaintiff K.L. pay
28 their attorneys' fees and costs.

1 DATED: December 19, 2025

RESPECTFULLY SUBMITTED,

2 BY: /S/ RACHEL B. ABRAMS

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